

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 00-6022-CIV-LENARD/TURNOFF

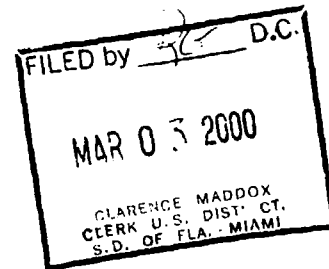
HENRY NARANJO and MARLENE  
RAMIREZ,

Plaintiff(s),

vs.

STEPHEN BYRON SMITH,

Defendant(s).



**ORDER REFERRING PRETRIAL DISCOVERY  
MOTIONS TO MAGISTRATE, ORDER DIRECTING  
PARTIES TO FILE CERTIFICATES OF INTERESTED  
PARTIES AND JOINT SCHEDULING REPORT**

**THIS CAUSE** is before the Court upon a sua sponte review of the file.

1. **PRETRIAL DISCOVERY MOTIONS AND ALL NON CASE-DISPOSITIVE MOTIONS MAY  
BE REFERRED TO MAGISTRATE**

Pursuant to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, the above-captioned cause is referred to United States Magistrate Judge **WILLIAM C. TURNOFF** to take all necessary and proper action as required by law with respect to **all pretrial discovery motions and all non case-dispositive motions filed under Fed. R. Civ. P. 12, 13, 14 and 15.**

**IT IS HEREBY ORDERED**

That it is the responsibility of the parties to indicate the name of the Magistrate Judge assigned to the case on all motions and related papers referred by this order. After receipt of such motion or other related paper, chambers will forward the motion or paper to the chambers of the

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appropriate Magistrate Judge.

Magistrate Turnoff will be holding a regular motion calendar in his Courtroom each Wednesday between 9:00 and 12:00 noon. At this calendar, Magistrate Judge Turnoff will consider any non-complex discovery motion which the parties believe requires expeditious consideration and resolution. This calendar is limited to discovery motions arising from cases assigned to District Court Judges Joan A. Lenard and Donald L. Graham.

The following motions are eligible for consideration at the motion calendar: 1) motions placed on the calendar no later than five calendar days prior to the motion calendar; 2) by agreement of the parties, and the motion is placed on the calendar by 5:00 p.m. the previous Tuesday; 3) by agreement of the parties, any motion where the parties by agreement appear at the motion calendar.

Each motion will be allotted ten minutes per side for argument, and will be scheduled in the order in which they are received by Magistrate Judge Turnoff's secretary. "Walk-in" motions will be heard at the conclusion of the scheduled motions.

While written pleadings are not a prerequisite to being heard at the motion calendar, any written pleadings should be faxed to Magistrate Turnoff's chambers by 5:00 p.m. on the Tuesday immediately prior to the Wednesday motion calendar. Judge Turnoff's fax number is (305) 523-5719.

#### **IT IS FURTHER ORDERED**

**2. THE PARTIES ARE TO SUBMIT CERTIFICATES OF INTERESTED PARTIES AND CORPORATE DISCLOSURE STATEMENTS**

The plaintiff(s), defendant(s), intervenors and amicus curiae, including governmental parties shall file a Certificate of Interested Persons and Corporate Disclosure Statement, which shall contain a complete list of persons, associated persons, firms, partnerships or corporations that have a financial interest in the outcome of this case, including subsidiaries, conglomerates, affiliates, parent corporations, and other identifiable legal entities related to a party. The parties shall have 15 days

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from the date of this order to file the original Certificate. Throughout the pendency of this action, the parties shall be under a continuing duty to amend, correct and update the Certificate.

**IT IS FURTHER ORDERED**

**3. THE PARTIES ARE TO SUBMIT A JOINT SCHEDULING REPORT**

Pursuant to Southern District of Florida Local Rule 16.1B, counsel for all parties (or the party, if proceeding pro se) shall meet in person, by telephone or by other comparable means within 20 days after the filing of an answer by the last answering defendant, or withing 60 days after the filing of a complaint (whichever shall first occur) for a scheduling conference.

**THEREFORE,**

Within the time prescribed by the Local Rules, the parties shall file a Joint Scheduling Report. The Report shall be **date specific** (eg., January 12, 2000) and shall contain the following deadlines:

- a. A detailed schedule of discovery for each party (date specific)
- b. Discussion of the likelihood of settlement;
- c. Discussion of the likelihood of appearance in the action of additional parties;
- d. Proposed limits on the time to join other parties and to amend the pleadings, to file and hear pre-trial motions and to complete discovery (date specific);
- e. Proposals for the formulation and simplification of issues, including the elimination of frivolous claims or defenses;
- f. The necessity or desirability of amendments to the pleadings (date specific);

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g. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, stipulations regarding authenticity of documents and the need for advance rulings from the Court on the admissibility of evidence;

h. Suggestions for the avoidance of unnecessary proof and of cumulative evidence;

i. Suggestions on the advisability of referring matters to the Magistrate Judge;

j. A preliminary estimate of the time required for trial;

k. Suggested date or dates for conferences before trial, a final pretrial conference and trial (date specific); and

l. Any other information that might be helpful to the Court in setting the case for status or pretrial conference.

**IN ADDITION**, the Report shall also contain the following **date specific** (e.g., January 12, 2000) pretrial deadlines:

a. Date for joinder of parties and amendment of pleadings.

b. Date which parties shall furnish opposing counsel with a written list containing the names and addresses of all fact witnesses intended to be called at trial.

c. Date which all fact discovery must be completed.

d. Date which Plaintiff must furnish expert witness list to the Defendant, along with the summaries/reports required by Local Rule 16.1.(K).

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- e. Date which Defendant must furnish expert witness list to the Plaintiff along with the summaries/reports required by Local Rule 16.1.(K).
- f. Date by which all expert discovery must be completed.
- g. Date by which all dispositive pretrial motions and memoranda of law must be filed, as well as any motions to exclude or limit proposed expert testimony.
- h. Suggested date Mediation shall be completed.

**Parties and counsel need not submit a proposed Scheduling Order.** The Court shall issue a Scheduling Order incorporating, whenever possible, the dates requested by the parties and counsel. It is important that all parties and counsel comply with the time periods adopted in the Scheduling Order so as to disrupt the dates set for a productive pretrial conference and trial.

To the extent this Order conflicts with the Local Rules, this Order supercedes them.

The parties and all counsel are reminded of their ongoing duties to comply with the Federal Rules of Civil Procedure and the Local Rules for the Southern District of Florida, including 5.1.A-D and 7.1.A-F.

**DONE AND ORDERED** in Chambers at Miami, Florida this 3 day of March, 2000.

  
JOAN A. LENARD  
UNITED STATES DISTRICT JUDGE

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Copies furnished to:

Magistrate Judge William C. Turnoff

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